GOVERNMENT OF INDIA
COMMUNICATIONS AND INFORMATION TECHNOLOGY
LOK SABHA

UNSTARRED QUESTION NO:5829
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CHANGE IN IT LAWS
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Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether the Government proposes to review the Information Technology (IT) laws in the wake of terrorists propagating anti-India sentiment;

(b) if so, the details thereof;

(c) whether international cooperation is required to corroborate evidences for the enforcement of current laws; and

(d) if so, the details thereof?

Answer

MINISTER FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD)

(a) and (b): Internet and Social Media have extraordinary reach particularly in the field of information sharing and dissemination and Government acknowledges its resultant advantages to the society. However, anti-national groups / elements also make use of Internet and Social Networking sites on the Internet for propagating anti-India sentiment and anti-national information. Many of such websites do not require any authentication for posting information, videos or for downloading the contents thus helping to hide the identities.

The Information Technology Act 2000 amended by the Information Technology (Amendment) Act 2008 with effect from 27.10.2009 together with the Indian Penal Code 1860, provides legal framework for countering propagation of anti-India sentiment by anti-national groups including terrorists.

Section 66F of the Information Technology Act 2000 provides stringent punishment for committing acts relating to cyber terrorism. Whoever commits or conspires to commit cyber terrorism shall be punishable with imprisonment which may extend to imprisonment for life.

Section 69A of the Information Technology Act 2000 empowers Government to block any information generated, transmitted, received, stored or hosted in any Computer Resource in the interest of Sovereignty and Integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the Commission of any cognizable offence relating to above.

Further, the Information Technology (Intermediary Guidelines) Rules 2011 under Section 79 of the Information Technology Act requires that the Intermediaries shall observe due diligence while discharging their duties and shall inform the users of Computer resources not to host, display, upload, modify, publish, transmit, update or share any information that is harmful, objectionable, affect minors and unlawful in any way. The said rules also require the intermediaries to appoint Grievance Officers to address the grievances received from users and affected individuals / organizations as and when received by them.

An Advisory was issued on August 17, 2012 under Section 69A and Sub-Section 3(B) under Section 79 of Information Technology Act 2000 and Rules therein to all intermediaries asking them to take necessary action to disable inflammatory and hateful content hosted on their website on priority basis.

(c) and (d): Government is regularly engaged with other countries through the bilateral cooperation to collaborate with their law enforcement agencies for sharing of information relating to cyber crimes investigation and prosecution. Further the provisions of MLAT (Mutual Legal Assistance Treaty) are used for eliciting support for cyber crime cases. United Nations Commission on Crime Prevention and Criminal Justice (CCPCJ) has a mandate to focus on the issues related to cyber crime and related response by the member states.